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Paper 257  
Entered 24 March 2008

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

CHARLES **GUTHRIE**, EDMUND SANDBERG,  
DONALD WILSON, GREGORY PRIOR, and DAVID SMOLER  
Junior Party  
(Application 09/818,092),

v.

FREDERICK M. **ESPIAU**, CHANDRASHEKHAR J. JOSHI,  
and YIAN CHANG  
Senior Party  
(Patent 6,737,809).

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Patent Interference No. 105,393 (SCM)  
(Technology Center 2800)

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*Before* LEE, MEDLEY, and MOORE, *Administrative Patent Judges*.  
MEDLEY, *Administrative Patent Judge*.

**Judgment – Bd.R. 127**

1 Guthrie has failed to prove priority of invention (Paper 256).  
2 Accordingly, it is  
3 ORDERED that judgment be entered against Guthrie for count 1  
4 (Paper 1 at 3);  
5 FURTHER ORDERED that claims 109-131 of Guthrie's involved  
6 application be FINALLY REFUSED, 35 U.S.C. 135(a); and  
7 FURTHER ORDERED that a copy of this judgment be entered in the  
8 administrative records of the involved Guthrie application and Espiau patent.  
9

<u>/Jameson Lee/</u>	)	
JAMESON LEE	)	
Administrative Patent Judge	)	
	)	
	)	
<u>/Sally C. Medley /</u>	)	BOARD OF PATENT
SALLY C. MEDLEY	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
<u>/James T. Moore/</u>	)	
JAMES T. MOORE	)	
Administrative Patent Judge	)	

cc (via e-mail):

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